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2 (SPACE BELOW FOR FILING STAMP ONLY)

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9
10 Attorneys for Plaintiffs

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 THE ESTATE OF PABLO GARCIA TORIBIO;
15 PABLO GARCIA SANTOS, individually, and
16 as Successor in Interest to PABLO GARCIA
17 TORIBIO; MARGARITA TORIBIO
18 DOMINGUEZ, an individual,

19 Case Number C 18-2151 YGR

20 **PLAINTIFFS' AMENDED
21 RESPONSE TO OSC RE:
22 MONETARY SANCTIONS;
23 DECLARATION OF SANDRA
24 ROMERO**

25 Hearing Date: January 15, 2019

26 Time: 2:00 p.m.

27 Courtroom: 1, 4th Floor – Oakland

28 Judge: The Hon. Yvonne
29 Gonzalez Rogers

30 Plaintiffs,

31 VS.

32 CITY OF SANTA ROSA; THE SANTA ROSA
33 POLICE DEPARTMENT; THE CHIEF OF
34 POLICE FOR THE SANTA ROSA POLICE
35 DEPARTMENT, HANK SCHREEDER;
36 OFFICER NICHOLAS VLAHANDREAS;
37 OFFICER JEFFREY BADGER; OFFICER PARK
38 MCALISTER and DOES 1 through 10,
39 Inclusive,

40 Defendants.

1 TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF
2 RECORD:

3 Plaintiffs THE ESTATE OF PABLO GARCIA TORIBIO, PABLO GARCIA SANTOS,
4 individually, and as Successor in Interest to PABLO GARCIA TORIBIO; MARGARITA
5 TORIBIO DOMINGUEZ, an individual, and their attorney of record, Sandra Romero,
6 respectfully responds to the Court's OSC Re: Monetary Sanctions.

7

8 **DECLARATION OF SANDRA ROMERO**

9 I, Sandra Romero, declare as follows:

10 I am a licensed attorney, duly admitted to practice before this Court. I am the
11 attorney of record in the matter of *Estate of Pablo Garcia Toribio, et al. v. City of Santa*
12 *Rosa, et al., United States District Court Northern District of California, Case Number*
13 *C 18-2151 YGR*. I have personal knowledge of the facts set forth herein, except as to those
14 stated on information and belief and, as to those, I am informed and believe them to be
15 true. If called as a witness, I could and would competently testify to the matters stated
herein.

16 1.) On December 3, 2018, plaintiffs filed an administrative motion to continue non-
17 expert discovery deadline of December 31, 2018 because I had a pre-paid vacation and
18 would like to take depositions in mid-January 2019 upon my return. (Dkt. No. 37)
19 Defendants opposed the administrative motion. (DKt. No. 39.) On December 6, 2018, the
20 Court held a telephone conference with counsel for each side concerning the motion. The
21 Court allowed depositions to be taken after December 31, 2018. The Court directed the
22 parties to file no later than December 10, 2018, a confirmation letter with the Court
23 regarding the scheduling of depositions. Unfortunately, for reasons explained further
below, this was not filed.

24 2.) On December 14, 2018, the Court ordered plaintiffs' counsel to file a response
25 no later than January 8, 2019 to its Order to Show Cause with "a copy of her travel
26 reservations confirming the date on which they were made." (Dkt. No. 42.)

1 3.) First, I would like to apologize for not filing a confirmation letter with the Court
2 regarding the scheduling of the depositions and respectfully respond to the Court's OSC.
3

4 4.) On November 3, 2018, four flight tickets were purchased for my family (Steven,
5 6, Olivia, 3, Gilbert Romero, and myself) to travel from Los Angeles to Tulum and to
6 Oaxaca, Mexico. These tickets were purchased before the original scheduling of the
7 depositions of named defendants. Pursuant to the Court's order, attached please find a copy
8 of my credit card statement showing a purchase date of November 3, 2018.
9

10 5.) The depositions of defendants and investigating sheriff detectives have now been
11 scheduled and are taking place on January 14, 15, and 16 in Santa Rosa as ordered by the
12 Court.
13

14 6.) Further, on December 8, 2018, my family and I moved to our new home.
15 Moving during this time of the year was overwhelming. It took many days to get re-
16 organized and adjusted. During our move, my husband injured his shoulder; he was
17 admitted to urgent care. Unfortunately, this contributed to my inability to file a confirmation
18 letter with the Court by December 10, 2018.
19

20 7.) Additionally, at the administrative hearing that took place on December 3, 2018,
21 opposing counsel suggested that defendants may be filing a motion for summary judgment
22 during the holidays. In light of my schedule, time constrains in opposing a motion for
23 summary judgment, family vacation, holidays, scheduling of depositions, I thought it would
24 be in my clients' best interest to associate co-counsel as soon as possible. I quickly reached
25 out to colleagues. I discussed this case with attorneys Jamon Hicks and Carl Douglas of
26 Douglas Hicks. Mr. Hicks and Mr. Douglas reviewed the file (i.e., body camera footage,
27 reports, audio recordings, etc.) and their respective calendars. After their review, they
28 agreed to associate. On December 19, 2018, Mr. Douglas filed a Notice of Appearance
29 (Dkt. No. 44). Douglas Hicks has scheduled the depositions of defendant officers and
30 investigating deputy sheriffs as ordered by the Court.
31

32 8.) Once again, I am very sorry for not being able to file a confirming letter by
33 December 10, 2018. I hope that this Response and explanation responds to and satisfies
34 the Court's OSC. If it does, I kindly request that the Court not sanction me for \$1,000 and,
35

1 if possible, hopefully take the OSC hearing scheduled for January 15, 2018 at 2:00 p.m.
2 off calendar.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

5 Respectfully,

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8 Sandra Romero

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10 DATED: January 8, 2019

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Rapid Rewards®

New Balance
[REDACTED]
Minimum Payment Due
[REDACTED]
Payment Due Date
12/02/18

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay a late fee of up to \$37.00.

Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you would like information about credit counseling services, call 1-866-797-2885.

ACCOUNT SUMMARY

Account Number:	[REDACTED]
Previous Balance	[REDACTED]
Payment, Credits	[REDACTED]
Purchases	[REDACTED]
Cash Advances	\$0.00
Balance Transfers	\$0.00
Fees Charged	\$0.00
Interest Charged	\$0.00
New Balance	[REDACTED]
Opening/Closing Date	10/06/18 - 11/05/18
Credit Access Line	[REDACTED]
Available Credit	[REDACTED]
Cash Access Line	[REDACTED]
Available for Cash	[REDACTED]
Past Due Amount	\$0.00
Balance over the Credit Access Line	\$0.00

YOUR ACCOUNT MESSAGES

We hope you enjoy all the benefits your card has to offer and we appreciate your business. Your annual membership fee in the amount of [REDACTED] will be billed on 01/01/2019. There is a transaction fee for each balance transfer and cash advance in the amount of 5.00% or \$5.00, whichever is greater.

This Statement is a Facsimile - Not an original

CHASE 

P.O. BOX 15123
WILMINGTON, DE 19850-5123
For Undeliverable Mail Only

Get updates on the go
Log on to chase.com/alerts

Payment Due Date:

**Payment Due
New Balance:**

**New Balance:
Minimum Payment.**

Account number:

\$ Amount Enclosed
Make/Mail to Chase Card Services at the address below:

SANDRA B. ROMERO

CARDMEMBER SERVICE
PO BOX 6294
CAROL STREAM IL 60187-6294

ACCOUNT ACTIVITY (CONTINUED)

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
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11/03 SOUTHWES 5262405239634 800-435-9792 TX
1 Y LAX CUN

11/03 SOUTHWES 5262405239676 800-435-9792 TX
X LAX CUN

11/03 SOUTHWES 5262405239636 800-435-9792 TX
1 Y LAX CUN

11/03 SOUTHWES 5262405239635 800-435-9792 TX
1 Y LAX CUN

11/03 DELTA AIR 0062346063870 MEXICO CITY
1 L OAX MEX

This Statement is a Facsimile - Not an original

ACCOUNT ACTIVITY (CONTINUED)

Date of Transaction	Merchant Name or Transaction Description			\$ Amount
	2 L	MEX	LAX	
11/03	DELTA AIR	0062346063869	MEXICO CITY	
	1 L	OAX	MEX	
	2 L	MEX	LAX	
11/03	DELTA AIR	0062346063868	MEXICO CITY	
	1 L	OAX	MEX	
	2 L	MEX	LAX	
11/03	DELTA AIR	0062346063867	MEXICO CITY	
	1 L	OAX	MEX	
	2 L	MEX	LAX	

2018 Totals Year-to-Date	
Total fees charged in 2018	
Total interest charged in 2018	

Year-to-date totals do not reflect any fee or interest refunds you may have received.

INTEREST CHARGES

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Balance Type	Annual Percentage Rate (APR)	Balance Subject To Interest Rate	Interest Charges
PURCHASES			
Purchases	17.99%(v)(d)	- 0 -	- 0 -
CASH ADVANCES			
Cash Advances	26.99%(v)(d)	- 0 -	- 0 -
BALANCE TRANSFERS			
Balance Transfer	17.99%(v)(d)	- 0 -	- 0 -

31 Days in Billing Period

(v) = Variable Rate

(d) = Daily Balance Method (including new transactions)

(a) = Average Daily Balance Method (including new transactions)

Please see Information About Your Account section for the Calculation of Balance Subject to Interest Rate, Annual Renewal Notice, How to Avoid Interest on Purchases, and other important information, as applicable.